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MISCELLANY.

BAR EXAMINATION.

Wytheville, Virginia, June 19, 1908.

1. Define: (1) Property; (2) Real Property; (3) Base or Qualified Fee; (4) Conditional Fee; (5) Estate at Will; (6) Estate by Sufferance; and (7) Give incidents of Estate in Fee Simple.

2. Give doctrine of Spendthrift Trusts with respect to Life Estates in Virginia.

3. (1) What estates arise out of the marital relation in real property; (2) To what estates do they attach, and essentials of each?

4. (1) Define Jointure; (2) When does it bar dower by statute in Virginia? (3) When and how may widow waive Jointure and demand dower? And (4) If widow be lawfully deprived of Jointure, in whole or in part, how does it affect her dower rights?

5. (1) Who is entitled to Homestead Exemption; (2) In what property and against what debts; (3) Amount and duration of estate, and how claim perfected?

6. (1) By what two methods is title to real property acquired; (2) Define a chattel, and into what two classes divided, and how acquired?

7. (1) What rights arise out of the marital relation with respect to personal property, at common law, and by statute in Virginia? (2) How does personal property pass by the statute of distributions?

8. Who may make valid will disposing of real property, and personal property, respectively, in Virginia; and requisites with regard to execution of each?

9. (1) What is the doctrine of emblements in Virginia? (2) Define Rent.

10. What is a Fixture? (2) What classes of Fixtures may tenant, generally, remove from premises at expiration of lease?

11. Define Domestic Relations; under what general heads may the subject be considered?

12. (1) What formalities are necessary to constitute valid marriage at common law, and what by statute in Virginia? (2) What children are legitimate in Virginia? (3) Common law and statutory rule in Virginia, as to bastards inheriting property?

13. Give statutory causes for divorce, a vinculo matrimonii, and a mensa et thoro, respectively. (2) Procedure in divorce cases; (3) When, if at all, are husband and wife competent witnesses in such cases?

14. (1) Who is entitled to custody of minor children; (2) How is general rule affected by divorce or separation of parents?

15. (1) Define an advancement. (2) Explain doctrine of hotchpot.

16. Define a Guardian, and give the several kinds of guardians.

17. (1) What are the rights and duties of guardian with respect to ward's person? (2) What rules govern liability of guardian, and what are his duties in regard to ward's estate? (3) Powers of guardian to sell ward's real property, and personal property, respectively? (4) In what ways may guardianship be terminated?

18. (1) What contracts of infant valid; (2) and what is the general rule as to all other contracts of infant?

19. State duty of Master to Servant, in the matters of providing a work assigned him. (2) General rule as to risks assumed by servant place in which, and machinery and appliances with which, to do on entering service of Master?

20. State fellow-servant doctrine at common law; and in what particulars modified by Constitution of Virginia?

21. What is a contract? (2) Name the different kinds of contracts. (3) Define void, voidable and unenforceable contracts, respectively.

22. Name agreements that must be writing to maintain action under statute of frauds upon them.

23. (1) Give requisites of a negotiable instrument by statute in Virginia. (2) Effect of indorsement of such instrument by an infant or corporation. (3) What constitutes a holder in due course?

24. (1) Name the three general classes of agents. (2) Define each. (3) How does the agent differ from servant? (4) How may agency be created, and how terminated?

25. (1) Name the principal kinds of Insurance. (2) Who have an Insurable Interest in the life of another person?

26. Define a private corporation, and give necessary steps to obtain a charter in Virginia.

27. What is a Partnership; how created and how terminated?

28. State doctrine of *Res ipsa loquitur*.

29. (1) An electric light company wired plaintiff's storehouse, furnished the electric lamps, made and maintained connections, and supplied electricity for lights. Plaintiff, in showing goods to customer, turned light on incandescent light bulb suspended from ceiling by flexible extension cord, and was severely shocked and injured. In absence of explanation as to cause of accident, is light company liable? (2) How, if plaintiff had himself wired storehouse and furnished and maintained electric equipment, light company merely supplying electricity from connecting wires? Give reasons in both instances.

30. Define Equity, and explain how that jurisdiction arose.

31. Give six maxims in Equity.

32. Define doctrine of Contribution, Exoneration, Subrogation, Marshaling.

33. In what cases will Equity grant Specific Performance of a contract? Give procedure.

34. Name the *ex contractu* actions, and give general issue in each.

35. (1) What is the function of a bill of exceptions? (2) Give procedure to review, in appellate court, the judgment or decree of a trial court. (3) Also how appeal taken, and to what court, from order of State Corporation Commission?

36. For what offences may capital punishment be inflicted in Virginia?

37. (1) Define Felony, and Misdemeanor, respectively. (2) Give procedure in felony case from commencement to conclusion. (3) If accused found guilty of capital offense, when, where and how sentence executed?

38. (1) What degree of proof necessary to warrant conviction in criminal case? (2) When are dying declarations admissible, and on what theory?

39. (1) What is the doctrine of *Res gestæ*? (2) Give distinction between that doctrine and mere narration of a past occurrence.

40. (1) Name different grades of Homicide. (2) Define Reasonable Doubt, as applicable to a criminal prosecution.

List of Successful Applicants.

Out of the class of one hundred and nineteen applicants, one hundred and one passed the examination. The successful ones are as follows:

Allan, W. P.....	Danville, Va.
Arnold, Robert W.....	Waverly, Va.
Bailett, William Stuart.....	Abingdon, Va.
Beale, Ernest Lynwood.....	Franklin, Va.
Bollew, W. B.....	Bristol, Va.
Berry, Richard F.....	Luray, Va.
Blanchard, Edwin C.....	Washington, D. C.
Boatwright, J. B.....	Gold Hill, Va.
Bouldin, James E.....	Houston, Va.
Bowen, H. A.....	Tazewell, Va.
Boxley, Littleberry J.....	Lexington, Va.
Bradford, Russell L.....	Norfolk, Va.
Bickers, Roger A.....	Charlottesville, Va.
Bremmer, George L.....	Appalachia, Va.
Caffey, Edwin C.....	New Jersey.
Caldwell, Joseph A.....	Bristol, Tenn.
Cary, George E.....	Gloucester, Va.
Coleman, Roy C.....	Danville, Va.
Cooper, W. D.....	Danville, Va.
Gorgan, Charles E.....	Lexington, Va.
Crenshaw, Lewis D.....	Orange, Va.
Crockett, William O.....	Richmond, Va.
Curry, Duncan.....	Staunton, Va.
Campbell, Jr., Charles.....	Charlottesville, Va.

Campbell, Alexander S.....	Warrenton, Va.
Chewning, Alexander C.....	New Glasgow, Va.
Coleman, J. Tinsley.....	Lynchburg, Va.
Crounce, Amos Cameron.....	Herndon, Va.
Davidson, William L.....	Jonesville, Va.
Davis, Hugh.....	Norfolk, Va.
Deckle, Lebbeus.....	Thomasville, Ga.
Downy, Irvin A.....	McCaheysville, Va.
Engle, J. Raymond.....	Palmyra, Va.
Fernstell, Jr., Conrad C.....	Newport, Va.
Foote, Jr., John D.....	Newport, Va.
Forsythe, George L.....	Esmont, Va.
Francis, James D.....	Pikeville, Ky.
Gloth, William C.....	Erie, Pa.
Gothler, Homer C.....	Richmond, Va.
Goerdeler, Julius A.....	Norfolk, Va.
Heatwole, Ward Hontello.....	Dayton, O.
Henley, Robert E.....	Williamsburg, Va.
Henry, Peter C.....	Richmond, Va.
Horn, H. I.....	Tacoma, Va.
Horner, Guy.....	Blanchville, Va.
Huddle, Marco C.....	Rural Retreat, Va.
Hudgins, E. W.....	New Canton, Va.
Hughson, A. L.....	Greenwood, Va.
Irving, Joseph K.....	Amelia, Va.
Jefferson, Jr., John Garland.....	Amelia, Va.
Johnson, E. E.....	Woodville, Va.
Johnson, Edward H.....	Norfolk, Va.
Jordan, William Harrison.....	Lynchburg, Va.
Kear, Paul W.....	Norfolk, Va.
Kelly, Frank M.....	Bristol, Tenn.
Kidd, Harry Lee.....	Lovington, Va.
Lamb, William.....	Richmond, Va.
Long, William G.....	Clintwood, Va.
Mapp, J. E. B.....	Keller, Va.
Martin, John.....	Richmond, Va.
Miller, Jr., George.....	McKouskee, Fla.
Miller, J. A. Baxton.....	Allison, W. Va.
Mountjoy, W. N.....	Richmond, Va.
Newman, John W.....	Somerset, Va.
Nickols, Hugh Cecil.....	Norfolk, Va.
Nottingham, T. H.....	Eastville, Va.
Peck, Herbert M.....	Beaver Dams, Wis.
Pender, Herbert H.....	Norfolk, Va.
Penn, Jr., George Edward.....	Abingdon, Va.
Phleger, Hunter G.....	Christiansburg, Va.

Pipes, Jr., David W.....	Lovingsston, Va
Pollard, Frederick G.....	Richmond, Va
Ravenil, G. F.....	Washington, D. C
Richardson, F. D.....	Fairfax, Va
Richey, Homer.....	Charlottesville, Va
Robertson, A. W.....	Richmond, Va.
Robertson, Walter H.....	Warrenton, Va.
Robinson, Morgan P.....	Richmond, Va.
Robinson, Ray.....	Winchester, Va.
Rucker, F.....	Hill Point, W. Va.
St. Clair, Otis F.....	Tazewell, Va.
Seabright, Charles F.....	Bellaire, O.
Showalter, Sidney Lee.....	Broadway, Va.
Smith, Jr., Charles S.....	Gloucester Point, Va.
Snidow, Bracket H.....	Pembroke, Va.
Staples, Jr., A. P.....	Lexington, Va.
Steele, B. F.....	Tazewell, Va.
Stevenson, Boyd.....	Monterey, Va.
Sutherland, Thurman L.....	Stratton, Va.
Syme, Bernard C.....	Petersburg, Va.
Tapscott, Clayton A.....	Churchville, Va.
Torry, W. W.....	Norfolk, Va.
Tincher, Harry E.....	Charlottesville, Va.
Turnbull, N. S.....	Meredithville, Va.
Watkins, Thomas J.....	Charlotte Court House, Va.
Watson, Henry H.....	Jennings Ordinary, Va.
Wolf, Adolph.....	Lexington, Va.
Woodfin, Paul.....	Waynesboro, Va.
Woodrum, Clifton A.....	Pembroke, Va.
Woods, Jr., Samuel B.....	Charlottesville, Va.
Zimmer, Samuel.....	Petersburg, Va.

The French President and the Law.—The visit of M. Fallieres to England, which promises to strengthen the good relations of England and France, has a special interest for the legal profession, for the President is himself a lawyer. It is remarkable how frequently the highest office in Republican countries is filled by a lawyer. Most of the distinguished men who have arisen to the position of President of the United States, including Adams, Jefferson, Monroe, Lincoln, Garfield, Cleveland, Harrison, and McKinley, achieved their first triumphs in the area of the law. M. Loubet, who visited England five years ago, was, like M. Fallieres, a practising barrister before he became a French statesman, and among the addresses he received while he was the King's guest was one from the Law Society, in which fitting allusion was made to his 'long and eminent association with our great profession of the law.' Though no address from any

legal body has been presented to M. Fallieres—Sir Albert Rollit was President of the Law Society at the time of M. Loubet's visit—there is not an English lawyer whose welcome to the chief magistrate of France has been unaccompanied by a feeling of pride in the fact that he is a member of the same profession.—London Law Journal.

American Code of Ethics as Viewed in England.—Of more than usual interest to the English lawyer will be the forthcoming meeting of the American Bar Association. A committee of the association has drafted what purports to be a complete code of professional ethics, and the discussion of these proposed canons, which are thirty-two in number, will be the main business of the meeting. One of the draft rules is quite inconsistent with the traditions of the English Bar. 'A lawyer may counsel and maintain only such actions and proceedings as appear to him just. His appearance in Court should be deemed equivalent to an assertion, on his honour, that, in his opinion, his client is justly entitled to some measure of relief.' The observance of such a regulation would, of course, be quite incompatible with the impersonality that belongs to the English advocate. "A man's rights," said Lord Bramwell, "are to be determined by the Court, not by his advocate or counsel. It is for want of remembering this that foolish people object to lawyers that they will advocate a case against their own opinions. A client is entitled to say to his counsel, 'I want your advocacy, not your judgment; I prefer that of the Court.'" Lord Halsbury has expressed a similar view. He has described the contention that "an advocate is bound to convince" himself by something like an original investigation that his client is in the right before he undertakes the duty of acting for him" as "ridiculous, impossible of performance, and calculated to lead to great injustice." The rule that an advocate ought not to express his personal opinion in a criminal case has often been insisted upon. Serjeant Shee's expression of belief in the innocence of Palmer, the Rugeley poisoner, drew a strong protest from Sir Alexander Cockburn, who remarked that the counsel for the defence "had better have abstained from making any observations which involved the assurance of his own conviction." Johnson, when asked by Boswell whether a lawyer ought to support a cause which he knew to be bad, replied: "Sir, you do not know it to be good or bad till the judge determines it." That is really the conclusion of the matter. Much injustice would be done if the character and eminence of a counsel were always to be regarded in determining the justice of his client's cause, and this would be the inevitable result of the rule which the American Law Association is to be asked to adopt.—London Law Journal.

Typewritten Wills.—The practice of typewriting wills was recently

condemned by the surrogate of King's County, because of the ease of alteration. In the New York Law Journal a correspondent suggested that the following simple precautions would obviate these objections:

"(1) Have the testator sign at bottom of each page.

"(2) Have the typewriting free of erasures or interlineations, with all blank space ruled off.

"(3) Recite in the in testimonium clause the facts:

"(a) That the will is contained on so many sheets of paper.

"(b) That the testator has subscribed his name at the bottom of each sheet thereof, and 'to this, the last sheet thereof, he has hereto subscribed his name and affixed his seal,' etc.

"While no seal is necessary, and but two witnesses are required in this state, by adding the seal and a third witness a will thus executed is probatable in every state of the Union.

"It is my uniform custom to have all wills executed in this manner so as to provide against local intestacy consequent upon a testator becoming afterwards seized of real property in a state foreign to his domicile or to the place where the will is executed."

A still simpler precaution, and one which will prove most efficacious, is to make a letter press copy of the original typewritten sheets. After the sheets have once been wet and dried they are at least as difficult to alter as handwriting.—Green Bag.

IN VACATION.

Speaking of the perversity of country "squires" State Senator John S. Fisher, chairman of the Pennsylvania Capitol Investigation Commission, told this story recently:

"We have one old codger out in Indiana county who fears neither lawyer nor court. Not long ago Dick Wilson had a case before the 'squire,' and, knowing his man, he went to the office fortified with a dozen or more Supreme Court decisions.

"Wilson argued his case, cited several opinions, and finally remarked: 'Squire, I have here some decisions by the Supreme Court of Pennsylvania which I shall read.'

"Wilson finished one decision, when the justice interrupted, saying:

"'Mr. Wilson, I reckon you've read enough. Those Supreme Court decisions are all right so far as they go, but if the Supreme Court has not already reversed itself I have no doubt that it will do so in the near future. Judgment is therefore given against your client.'"—Philadelphia Public Ledger.